

Effective 5/3/2023

53G-9-802 Dropout prevention and recovery -- Flexible enrollment options -- Contracting -- Reporting.

- (1)
- (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and recovery services to a designated student, including:
 - (i) engaging with or attempting to recover a designated student;
 - (ii) developing a learning plan, in consultation with a designated student, to identify:
 - (A) barriers to regular school attendance and achievement;
 - (B) an attainment goal; and
 - (C) a means for achieving the attainment goal through enrollment in one or more of the programs described in Subsection (2);
 - (iii) monitoring a designated student's progress toward reaching the designated student's attainment goal; and
 - (iv) providing tiered interventions for a designated student who is not making progress toward reaching the student's attainment goal.
 - (b) An LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a):
 - (i) throughout the calendar year; and
 - (ii) except as provided in Subsection (1)(c)(i), for each designated student who becomes a designated student while enrolled in the LEA.
 - (c)
 - (i) A designated student's school district of residence shall provide dropout recovery services if the designated student:
 - (A) was enrolled in a charter school that does not include grade 12; and
 - (B) becomes a designated student in the summer after the student completes academic instruction at the charter school through the maximum grade level the charter school is eligible to serve under the charter school's charter agreement as described in Section 53G-5-303.
 - (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include grade 12 shall notify each of the charter school's student's district of residence, as determined under Section 53G-6-302, when the student completes academic instruction at the charter school as described in Subsection (1)(c)(i)(B).
 - (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name, contact information, and student identification number.
- (2)
- (a) An LEA shall provide flexible enrollment options for a designated student that:
 - (i) are tailored to the designated student's learning plan developed under Subsection (1)(a)(ii); and
 - (ii) include two or more of the following:
 - (A) enrollment in the LEA in a traditional program;
 - (B) enrollment in the LEA in a nontraditional program;
 - (C) enrollment in a program offered by a private provider that has entered into a contract with the LEA to provide educational services; or
 - (D) enrollment in a program offered by another LEA.
 - (b) A designated student may enroll in:

- (i) a program offered by the LEA under Subsection (2)(a), in accordance with this public education code, rules established by the state board, and policies established by the LEA; or
 - (ii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4, Part 5, Statewide Online Education Program.
- (c) An LEA shall make the LEA's best effort to accommodate a designated student's choice of enrollment under Subsection (2)(b).
- (3) Beginning with the 2017-18 school year and except as provided in Subsection (5), an LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a), for any school year in which the LEA meets the following criteria:
 - (a) the LEA's graduation rate is lower than the statewide graduation rate; and
 - (b)
 - (i) the LEA's graduation rate has not increased by at least 1% on average over the previous three school years; or
 - (ii) during the previous calendar year, at least 10% of the LEA's designated students have not:
 - (A) reached the students' attainment goals; or
 - (B) made a year's worth of progress toward the students' attainment goals.
- (4) To provide the dropout and recovery services described in Subsection (1)(a), an LEA shall do at least one of the following:
 - (a) contract with a third party;
 - (b) use another program that is evidence-based as defined in Section 53G-11-303; or
 - (c) create a dropout prevention and recovery services plan that is evidence-informed as defined in Section 53G-11-303.
- (5) An LEA is not subject to the requirement described in Subsection (3) if:
 - (a) the LEA is in the LEA's first three years of operation;
 - (b) the LEA's average graduation rate for the previous three years is higher than the average statewide graduation rate for the previous three years;
 - (c) the LEA is a special school as that term is used in 34 C.F.R. 300.115; or
 - (d) the quotient of the total number of an LEA's graduating students plus 10, divided by the total number of students in an LEA's graduating class, is equal to or greater than the statewide graduation rate.
- (6) If an LEA described in Subsection (3) contracts with a third party, the LEA shall ensure that:
 - (a) a third party with whom the LEA enters into a contract under Subsection (4) has a demonstrated record of effectiveness engaging with and recovering designated students; and
 - (b) a contract with a third party requires the third party to:
 - (i) provide the services described in Subsection (1)(a); and
 - (ii) regularly report progress to the LEA.
- (7) An LEA shall annually submit a report to the state board on dropout prevention and recovery services provided under this section, including:
 - (a) the methods the LEA or third party uses to engage with or attempt to recover designated students under Subsection (1)(a)(i);
 - (b) the number of designated students who enroll in a program described in Subsection (2) as a result of the efforts described in Subsection (7)(a);
 - (c) the number of designated students who reach the designated students' attainment goals identified under Subsection (1)(a)(ii)(B); and
 - (d) funding allocated to provide dropout prevention and recovery services.
- (8) The state board shall:

- (a) ensure that an LEA described in Subsection (3) contracts with a third party or creates a dropout prevention and recovery services plan to provide dropout prevention and recovery services in accordance with Subsections (3), (4), and (6); and
- (b) report on the provisions of this section in accordance with Section 53E-1-203, including a summary of the reports submitted under Subsection (7).

Amended by Chapter 93, 2023 General Session